

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUAN JOSE SANCHEZ-GALVEZ,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT AND
HOMELAND SECURITY,

Defendants.

CASE NO. C13-5308 BHS-JRC

ORDER TO FILE AN AMENDED
COMPLAINT

The District Court has referred this *Bivens* action to United States Magistrate Judge, J. Richard Creatura. *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

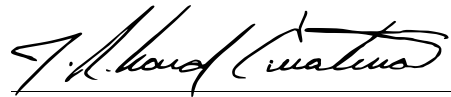
Plaintiff seeks monetary damages alleging that the actions of federal officers in arresting, detaining, and previously deporting him violates his constitutional rights. Plaintiff names two agencies as defendants. Plaintiff does not name the officers who allegedly violated plaintiff's

1 constitutional rights. The Court orders plaintiff to file an amended complaint naming as
2 defendants the federal officers involved, rather than federal agencies.

3 Plaintiff cannot sue federal agencies in a *Bivens* action. *FDIC v. Meyer*, 510 U.S. 471,
4 486 (1994); *Morgan v. U.S.*, 323 F.3d 776, 780 n.3 (9th Cir. 2007) (holding that plaintiff could
5 not sue agents for damages in their official capacity and that plaintiff must sue the officers in
6 their individual capacities).

7 The Court orders plaintiff to file an amended complaint that names the federal agents he
8 believes are proper defendants in their individual capacities. The Court orders that the amended
9 complaint must be filed on or before **June 14, 2013**. Failure to comply with this order will result
10 in the Court issuing a Report and Recommendation to dismiss this action.

11 Dated this 3rd day of May, 2013.

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14 J. Richard Creatura
15 United States Magistrate Judge
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